

THOMAS SZOTT  
Assistant United States Attorney  
Wyoming Bar Number 7-5139  
P.O. Box 668  
Cheyenne, WY 82003  
(307) 772-2124  
Thomas.Szott@usdoj.gov

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

**ANDREW LAMBERT SILICANI,**

Petitioner,

**v.**

**UNITED STATES OF AMERICA,**

Respondent.

**Case No. 17-CV-197-F**

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**UNITED STATES' MOTION FOR AN EXTENSION OF TIME IN WHICH TO  
RESPOND TO THE PETITIONER'S MOTION UNDER 28 U.S.C. § 2255**

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On November 24, 2017, the Petitioner/Defendant ("Defendant") filed a motion under 28 U.S.C. § 2255 seeking to vacate, set aside, or correct his sentence. (ECF No. 1). The Defendant supplemented his motion on November 27, 2017. (ECF No. 2). That same day, this court entered its order directing a response from the government within twenty-one days. The government's response is currently due on December 18, 2017. For the reasons set forth below, the United States requests a sixty-day extension until February 16, 2018, within which to respond to the Defendant's motion. In support of this request, the United States informs the court as follows:

1. The undersigned is responsible for preparing the government's response in this matter.

2. The undersigned recently completed a jury trial in case number 17-CR-167-J, which began with jury selection on November 27, 2017, and concluded with verdicts on December 1, 2017. Before trial, the undersigned was engaged in pretrial preparations.

3. The undersigned was in training in Columbia, South Carolina, from December 4 (travel day) through December 7, 2017.

4. The undersigned is scheduled to be in training in Columbia, South Carolina, from December 10 (travel day) through December 12, 2017.

5. The Defendant is presently in federal custody serving his sentence.

6. This is the government's first request for an extension of time.

7. The Defendant has raised what could be a complex and dispositive legal issue implicating the appropriate unit of prosecution under 18 U.S.C. § 1958. Among other things, the Defendant is relying on very recent authority from the First Circuit. The requested extension would better enable the undersigned to research and brief this legal issue for the court.

8. The requested extension should not prejudice the Defendant. Even if this court were to rule in the Defendant's favor on the unit of prosecution issue, the undersigned anticipates the Defendant's underlying guilty pleas would survive. (To some extent, his counts of conviction would merge.) Thus, the Defendant would still need to serve a sentence in this case. And thus, the requested continuance does not appear to prejudice the Defendant, at least with respect to the unit of prosecution issue.

9. Based upon the aforementioned reasons, the United States respectfully requests a sixty-day extension of time from December 18, 2017 to February 16, 2018, within which to file its response to the Defendant's pending § 2255 motion.

DATED this 8th day of December, 2017.

Respectfully submitted,

MARK A. KLAASSEN  
United States Attorney

By:           /s/ Thomas Szott            
THOMAS SZOTT  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

This is to certify that on the 8th day of December, 2017, I served a true and correct copy of the foregoing United States' Motion for an Extension of Time in Which to Respond to the Petitioner's Motion Under 28 U.S.C. § 2255 upon the following by depositing the same, postage prepaid, in the United States mail, addressed to:

Andrew Lambert Silicani  
14126-091 Inmate Mail/Parcels  
Florence High  
U.S. Penitentiary  
P.O. Box 7000  
Florence, Co 81226

/s/Kylie Severns  
For the United States Attorney's Office